

STATE OF INDIANA) IN THE LAKE CIRCUIT/SUPERIOR COURT
) SS:
COUNTY OF LAKE) SITTING AT CROWN POINT, INDIANA

CESAR HUERTA,)
)
Plaintiff,)
)
v.) Cause No.:
)
TED RUFF and)
AMERICA'S SERVICE LINE, LLC,)
)
Defendants.)

COMPLAINT

Count I

NOW COMES the Plaintiff, by counsel, Walter J. Alvarez, P.C., and complaining of the Defendant, TED RUFF, states as follows:

1. That the operative facts herein occurred within the territorial confines of Lake County, Indiana.
2. That on or about October 21, 2020, at approximately 5:47 p.m., Plaintiff, Cesar Huerta, (hereafter "Cesar") was the duly restrained driver of a vehicle traveling northbound on Interstate Highway 65, at or near mile marker 253.8, and, having changed from lane two to lane three to allow for, and provide for, the safety of a police officer who had parked on the shoulder of said highway, with activated emergency lights, Cesar was slowing and/or stopped in and for resulting slowing/stopped traffic ahead of him, in Merrillville, Lake County, Indiana.
3. That on or about October 21, 2020, at or near the same time and location, Defendant, Ted Ruff, (hereafter "Ruff") was operating a semi tractor-trailer weighing in excess of 26,000

pounds, traveling northbound, in lane three, between fifty five and sixty miles per hour, directly behind Cesar, and Ruff was holding his cellular telephone in his hand and looking at same, in Merrillville, Lake County, Indiana.

4. That on said date, time, and at said location, Ruff chose to: follow behind Cesar too closely; pick up his cell phone; remove at least one hand from the steering wheel; look down at his phone for information regarding the next load he was to pick up; looked away from Cesar's vehicle in front of him; failed to observe Cesar and all traffic ahead of him slowing and stopping; and, instead, proceeded to crash the front end of his semi-tractor into the rear end of the vehicle occupied by Cesar with great force and violence.
5. That on and before October 21, 2020, Ruff owed Cesar, and other drivers upon the public roadways, a duty to use reasonable care in the operation, inspection, maintenance, and repair of the semi tractor-trailer he was driving so as to avoid causing injury, harm, damage, and loss.
6. However, on or about October 21, 2020, Ruff breached the foregoing duties and was negligent and/or reckless in one or more of the following ways, *inter alia*:
 - a. Ruff failed to maintain a proper lookout for other vehicles he shared the road with;
 - b. Ruff failed to pay proper attention to his traffic surroundings;
 - c. Ruff allowed himself to be distracted during his operation of a large commercial vehicle;
 - d. Ruff operated his semi-tractor trailer at an improper speed given the then existing conditions;
 - e. Ruff failed to reasonably control his vehicle;

- f. Ruff drove while distracted by his cell phone and was cited by the investigating police officer for same;
- g. Ruff followed too closely and was cited by the investigating police officer for same;
- h. Ruff used a non-hands free cell phone while driving a commercial vehicle;
- i. Ruff failed to maintain two hands on his steering wheel;
- j. Ruff failed to take reasonable measures to avoid a crash;
- k. Ruff failed to act as a reasonably prudent professionally licensed and trained truck driver would have acted under the same or similar conditions;
- l. Ruff failed to comply with Parts 390, 391, 392, 395, and 396 of the Federal Motor Carrier Safety Regulations, as he was a professional truck driver possessing a commercial driver's license;
- m. Ruff failed to inspect the vehicle he was driving, before operating it, when a reasonable inspection would have revealed needed repairs or unreasonably dangerous defects;
- n. Ruff failed to maintain the vehicle he was driving, before operating it, when reasonable maintenance would have prevented needed repairs and/or unreasonably dangerous defects;
- o. Ruff failed to repair the vehicle he was driving when he knew or, in the exercise of reasonable care, should have known that the vehicle he was driving was in need of repair and/or was unreasonably dangerous to operate; and/or
- p. Ruff was otherwise careless and negligent by failing to act as other reasonable and

prudent drivers would do under the same or similar circumstances.

7. As a direct and proximate result of Ruff's negligence and/or recklessness and the resulting impact, Cesar suffered personal injuries, damages, harm, and loss; incurred and will incur medical, hospital, surgical, pharmaceutical, and therapeutic expenses; suffered and will suffer physical pain, mental suffering, and loss of enjoyment of life; lost wages; and incurred other injuries and damages of a personal and pecuniary nature.

WHEREFORE, Plaintiff prays for reasonable compensatory relief from Defendant, TED RUFF, for all injuries, losses, harm, expenses, and damages pertaining to or relating to the incident described herein, the costs of this action, punitive damages in amount to deter others from like future conduct, and for any and all other just and proper relief in the premises.

Count II

NOW COMES Plaintiff, by counsel, Walter J. Alvarez, P.C., and for Count II of his Complaint against the Defendant, AMERICA'S SERVICE LINE, LLC, states and alleges as follows:

8. Plaintiff repeats and re-alleges each and every allegation contained in rhetorical paragraphs 1 through 7 of Count I this Complaint with like effect as if fully set forth herein.
9. That America's Service Line, LLC is a for-profit corporation doing business in the State of Indiana, including Lake County, and authorized to operate as a motor carrier under the Federal Motor Carrier Safety Act.
10. That on or about October 21, 2020, Defendant, Ted Ruff, was an employee and/or agent for America's Service Line, LLC and acting within the scope and course of said employment/agency.

11. That on or about October 21, 2020, Defendant, Ted Ruff, was an employee of America's Service Line, LLC as defined by the Federal Motor Carrier Safety Act., 49 C.F.R. 390.5.
12. That America's Service Line, LLC is vicariously liable under the doctrine of *Respondeat Superior* for the negligent acts and/or omissions of Defendant, Ted Ruff, as aforesaid.
13. That on and before October 21, 2020, America's Service Line, LLC owed Cesar, and other drivers upon the public roadways, a duty to use reasonable care in the hiring, training, supervision, and retention of those entrusted to operate the tractor-trailer owned by America's Service Line, LLC so as to avoid causing injury, loss, harm or damage to others.
14. That on or about October 21, 2020, America's Service Line, LLC breached the foregoing duties and was negligent and/or reckless.
15. As a direct and proximate result of Defendant's, Ted Ruff, negligence and/or recklessness and the resulting impact, Cesar suffered personal physical injuries, damages, harm, and loss; incurred and will incur medical, hospital, surgical, pharmaceutical, and therapeutic expenses; suffered and will suffer physical pain, mental suffering, and loss of enjoyment of life; lost wages; and incurred other injuries and damages of a personal and pecuniary nature.

WHEREFORE, the Plaintiff prays for reasonable compensatory relief from the Defendants, and each of them, for all injuries, expenses, harm, losses, and damages pertaining to or relating to the crash described herein, the costs of this action, punitive damages in amount to deter others from like future conduct, and for any and all other just and proper relief in the premises.

Respectfully submitted,

WALTER J. ALVAREZ, P.C.
Attorneys for Plaintiff

/s/Brock P. Alvarado _____

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JURY DEMAND

Plaintiff demands trial by jury as to all issues raised in his Complaint.

Respectfully submitted,
WALTER J. ALVAREZ, P.C.
Attorneys for Plaintiff

/s/Brock P. Alvarado _____

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